

RIGHT-OF-WAY VACATION STAFF REPORT

Right-of-Way (ROW) Vacation Number V1-09

Applicant: Auburn Professional Plaza, LLC.

Property Location: Right-of-Way in the vicinity of the east portion of the alley south of 1st Street NE between North Division Street and Auburn Avenue NE.

Description of right-of-way (map and legal description attached):

This ROW consists of the east portion of the alley located south of 1st Street NE between North Division Street and Auburn Avenue NE. This portion of ROW is 1,983 square feet. It is bordered on the north side and south sides by parcels owned by private parties.

The ROW was initially dedicated to the City of Auburn through two separate plat dedications in 1887 and 1889 at no cost to the City.

Proposal:

The Applicant proposes that the City vacate a portion of the alley located south of 1st Street NE between North Division Street and Auburn Avenue NE.

Applicable Policies & Regulations:

- RCW's applicable to this situation - meets requirements of RCW 35.79.
- MUTCD standards - not affected by this proposal.
- City Code or Ordinances - meets requirements of ACC 12.48.
- Comprehensive Plan Policy - not affected.
- City Zoning Code - not affected.

Public Benefit:

- This street vacation decreases the Right-of-Way maintenance obligation of the City.
- The vacated area will be subject to property taxes.
- This will increase the economic viability for redevelopment of the downtown by increasing the lot size of the abutting properties.
- Vacation of the Right-of-Way will increase the flexibility of design and construction for the entire block.

Discussion:

The vacation application was circulated to Puget Sound Energy (PSE), Comcast, Qwest, Verizon and city staff.

1. PSE – "The review indicates that underground gas facilities as well as electric facilities are located within the area." PSE has requested that easements be reserved for gas and electric installations in the City's Street Vacation Ordinance.
2. Qwest – "Qwest has existing facilities, but the developer is paying to relocate them. Qwest has no objection to the Vacation".
3. Comcast – "does not have any facilities in the east half of the alley".

4. Verizon – “Our records indicate that there are no Verizon Communications facilities in the vicinity”.
5. Water – The water line in this alley has been abandoned.
6. Sewer – An easement will be needed for the public sewer line in the proposed area of vacation prior to it being vacated.
7. Storm – No comments
8. Transportation – No comments
9. Building – No comments
10. Fire – No comments
11. Police – No comments
12. Streets – No comments
13. Information Services – No comments
14. General Review – Any future development or building over the vacated ROW will require that the developer/owner vacate all easements and relocate all affected utilities prior to construction.

Assessed Value:

ACC 12.48 states “The city council may require as a condition of the ordinance that the city be compensated for the vacated right-of-way in an amount which does not exceed one-half the value of the right-of-way so vacated, except in the event the subject property or portions thereof were acquired at public expense or have been part of a dedicated public right-of-way for 25 years or more, compensation may be required in an amount equal to the full value of the right-of-way being vacated. The city engineer shall estimate the value of the right-of-way to be vacated based on the assessed values of comparable properties in the vicinity. If the value of the right-of-way is determined by the city engineer to be greater than \$2,000, the applicant will be required to provide the city with an appraisal by an MAI appraiser approved by the city engineer, at the expense of the applicant. The city reserves the right to have a second appraisal performed at the city’s expense.”

RCW 35.79.030 states the vacation “shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated.”

The right-of-way was acquired by two separate plat dedications on November 14, 1887 and on March 30, 1889. Per RCW 35.79.040 “If any street or alley in any city or town is vacated by the city or town council, the property within the limits so vacated shall belong to the abutting property owners, one-half to each.”

Recommendation:

Staff recommends that the street vacation be granted subject to the following conditions:

1. Easements shall be reserved for Puget Sound Energy electric and gas facilities along the entire length of the vacated ROW.
2. An easement shall be reserved for City of Auburn Sewer facilities along the entire length of the vacated ROW that would allow access for maintenance and repair and would prevent structures from being built within it.
3. In the interest of economic incentive for development of the entire block, Staff recommends that compensation for the value of the Right of Way not be required.

RESOLUTION NO. 4455

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, INITIATING STREET VACATION PROCEEDINGS AND SETTING A PUBLIC HEARING TO CONSIDER THE VACATION OF A PORTION OF THE ALLEY SOUTH OF 1ST STREET NE BETWEEN NORTH DIVISION STREET AND AUBURN AVENUE NE

WHEREAS, the City of Auburn, Washington, has determined through an evaluation of its needs for streets and right-of-ways in the vicinity of a portion of the alley south of 1st Street NE between North Division Street and Auburn Avenue NE that said stretch of City right-of-way is no longer needed to meet the needs of the City and that a public hearing should be set to determine if said right-of-way may be vacated; and,

WHEREAS, pursuant to Section 35.79.010 of the Revised Code of Washington, a hearing on such vacation shall be set by Resolution, with the date of such hearing being not more than sixty (60) days nor less than twenty (20) days after the date of passage of such Resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. That a hearing on the vacation of a portion of the alley south of 1st Street NE between North Division Street and Auburn Avenue NE, located within the City of Auburn, Washington, legally described as follows:

ALL THAT PORTION OF THE 16-FOOT ALLEY ADJOINING
NORTH OF LOT 1 AND THE UNPLATTED PORTION LYING
EAST OF LOT 1, BLOCK 0, FIRST ADDITION TO THE
TOWN OF SLAUGHTER, ACCORDING TO THE PLAT

THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 84, RECORDS OF KING COUNTY, WASHINGTON, AND ADJOINING SOUTH OF LOTS 8, 9, AND 10, BLOCK 0, L.W. BALLARD'S PARK ADDITION TO SLAUGHTER ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 91, RECORDS OF KING COUNTY, WASHINGTON

and as shown on the document attached hereto, marked as Exhibit "A" and incorporated herein by this reference, is hereby set for 7:30 p.m. on the 4th day of May, 2009, at the City Council Chambers at 25 West Main Street, Auburn, Washington, 98001, with all persons wishing to speak to the vacation at the public hearing being invited to attend.

Section 2. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation, including posting notice of such public hearing as required by State law and City Ordinance.

Section 3. This Resolution shall be in full force in effect upon passage and signatures hereon.

DATED and SIGNED this _____ day of _____, 2009.

CITY OF AUBURN

PETER B. LEWIS
Mayor

Attest:

Danielle E. Daskam, City Clerk

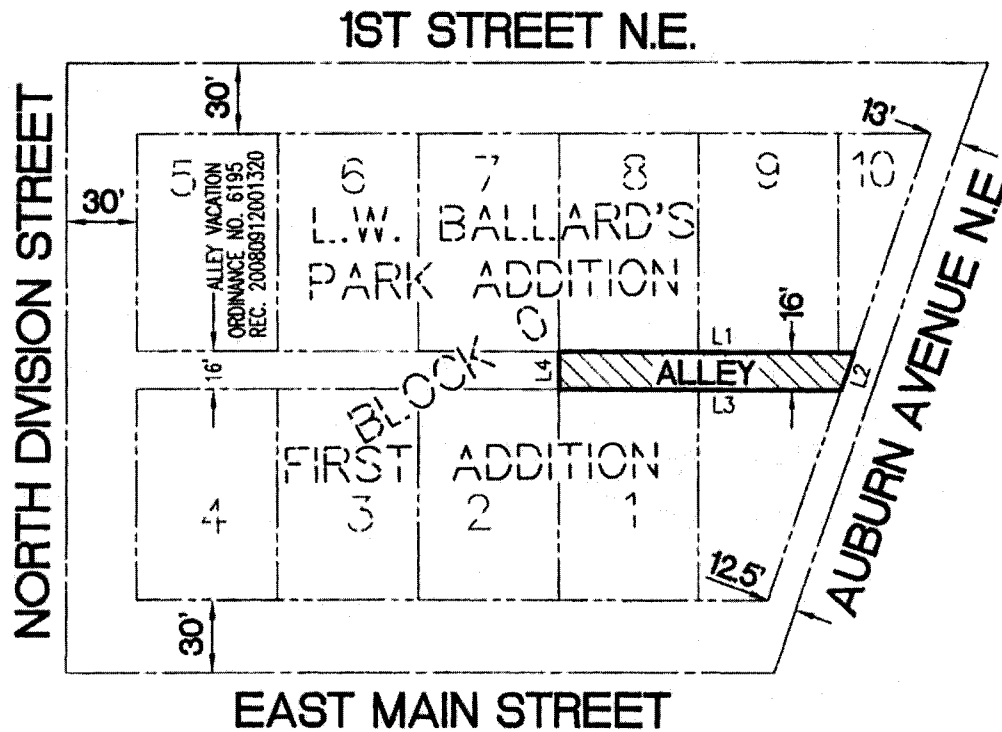
Approved as to Form:



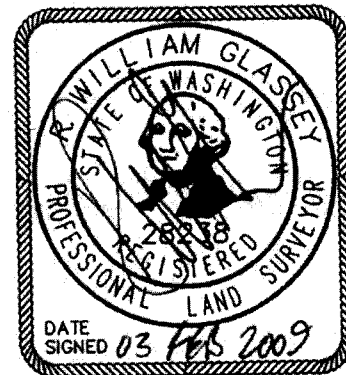
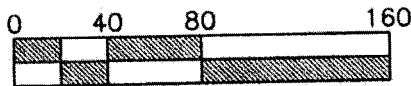
Daniel B. Heid, City Attorney

Exhibit "A"

PARTIAL VACATION OF ALLEY IN THE CITY OF AUBURN STATE OF WASHINGTON



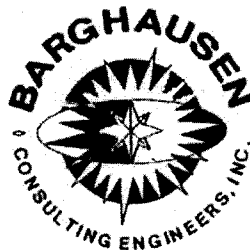
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°04'21"E	126.72'
L2	S20°09'15"W	16.95'
L3	N89°04'21"W	121.14'
L4	N00°56'01"E	16.00'
AREA = 1,983 ± SQ. FT.		



LEGAL DESCRIPTION: 13147L.007.DOC
File: P:\13000s\13147\survey\13147EX04-VAC.dwg Layout: Vacation-Exhibit Date/Time: 2/3/2009 1:12 PM Scale: 1"=0" = 1'-0" KMASON

Designed _____
Drawn KMM
Checked RWG
Approved RWG
Date 2/03/09

Scale:
Horizontal
1"=80'
Vertical
N/A



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CIVIL ENGINEERING, LAND PLANNING,
SURVEYING, ENVIRONMENTAL SERVICES

Job Number

13147

Sheet

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